

AMENDED IN SENATE AUGUST 18, 2016

AMENDED IN ASSEMBLY JUNE 23, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## Assembly Joint Resolution

No. 45

### Introduced by Assembly Member Chiu

(Coauthors: Assembly Members Alejo, Arambula, Atkins, Bloom, Bonilla, Bonta, Brown, Burke, Calderon, Campos, Chang, Chau, Chu, Cooley, Cooper, Dababneh, Daly, Dodd, Eggman, Frazier, Cristina Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Roger Hernández, Holden, Irwin, Jones-Sawyer, Levine, Low, Maienschein, McCarty, Medina, Mullin, Nazarian, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Santiago, Mark Stone, Thurmond, Ting, Weber, Williams, and Wood)

(Coauthors: Senators Jackson and Leno)

June 9, 2016

Assembly Joint Resolution No. 45—Relative to civil rights.

#### LEGISLATIVE COUNSEL'S DIGEST

AJR 45, as amended, Chiu. Civil rights: the Equality Act.

This act would urge the United States Congress to enact the Equality Act of 2015, which would amend the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex for, among other things, employment, housing, public education, and public accommodations.

Fiscal committee: no.

- 1 WHEREAS, While the Fourteenth Amendment of the United
- 2 States Constitution guarantees all citizens equal protection under

1 the law and the Civil Rights Act of 1964 outlaws discrimination  
2 based on race, color, religion, sex, or national origin, no federal  
3 law enumerates discrimination protections for lesbian, gay,  
4 bisexual, and transgender (LGBT) Americans. While the United  
5 States Supreme Court’s ruling in *Obergefell v. Hodges* (2015) 192  
6 L.Ed.2d 609 brought marriage equality to all 50 states, LGBT  
7 Americans still face discrimination in their daily lives and remain  
8 at risk of being fired or denied services on the basis of who they  
9 are or who they love because the majority of states still lack  
10 explicit, comprehensive nondiscrimination protections; and

11 WHEREAS, The Equality Act of 2015 amends the Civil Rights  
12 Act of 1964 to include sex, sexual orientation, and gender identity  
13 among the prohibited categories of discrimination, effectively  
14 protecting LGBT Americans in the areas of employment, housing,  
15 public accommodations, public education, access to federal  
16 funding, access to credit, and the opportunity to serve on a jury.  
17 The 2015 Equality Act’s comprehensive approach to updating the  
18 Civil Rights Act of 1964 would include protections for many  
19 Americans beyond the LGBT community; and

20 WHEREAS, Despite the 1964 Civil Rights Act’s prohibition  
21 against gender discrimination in certain areas, such as employment  
22 and housing, women still face discrimination in public facilities  
23 and in receiving federal financial assistance. The Equality Act of  
24 2015 would ensure that women have equal access to public  
25 accommodations and public funds, and that federal funding could  
26 not be spent in a ~~way~~ *manner* that encourages discrimination based  
27 on sex; and

28 WHEREAS, While many public accommodations are considered  
29 protected places under current law, people of color still face  
30 discrimination in places that include stores, banks, transportation  
31 services, and health care services. The Equality Act of 2015 updates  
32 the federal definition of public accommodations to ensure all  
33 individuals are able to fully access and utilize social and public  
34 places regardless of who they are; and

35 WHEREAS, In a growing number of states, Religious Freedom  
36 Restoration Acts (RFRAs) and similar laws are being invoked in  
37 an attempt to justify discrimination against the LGBT community.  
38 The Equality Act of 2015 retains exemptions that religious  
39 organizations and schools already enjoy, but would ensure that  
40 religion could not be used as a justification for refusing service on

1 the basis of race, color, religion, sex, national origin, sexual  
2 orientation, or gender identity; now, therefore, be it

3 *Resolved by the Assembly and the Senate of the State of*  
4 *California, jointly*, That the Legislature calls upon the United States  
5 Congress to pass the Equality Act of 2015, which would amend  
6 the Civil Rights Act of 1964 to include protections on the basis of  
7 sexual orientation, gender identity, and sex in the areas of  
8 employment, housing, public accommodations, public education,  
9 federal funding, credit, and the jury system; and be it further

10 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
11 of this resolution to the Speaker of the House of Representatives,  
12 to the Majority Leader of the Senate, and to each Senator and  
13 Representative from California in the Congress of the United  
14 States.